

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WAYNE GERLING

Plaintiff,

v.

CITY OF HERMANN, MISSOURI, et al.

Defendants.

Cause No. 4:17-cv-2702-JAR

JURY TRIAL DEMANDED

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR ENTRY
OF PARTIAL SATISFACTION OF JUDGMENT**

Plaintiff acknowledges that he received payment from Defendant's insurer in the total amount of \$787,852.74. Plaintiff also agrees that neither Defendant nor its insurer have made any payments toward the \$500,000 punitive damages judgment. Plaintiff maintains that its attorneys' fees and costs associated with collecting the \$500,000 are recoverable, and thus objects to Defendant's motion to the extent it seeks an order barring Plaintiff from recovering the same. Plaintiff has cited to no authority to support any contention that Plaintiff would not be able to recover its attorneys' fees and expenses associated in collecting the punitive damages judgment.

WHEREFORE, Plaintiff respectfully requests this Court deny Defendant's motion to the extent it seeks to bar Plaintiff from recovering attorneys' fees and expenses associated with collecting the punitive damages judgment.

Dated: April 14, 2022

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served via the Court's CM/ECF filing system on this 14th day of April, 2022, to all counsel of record.

s/David J. Welder
Attorney for Plaintiff